



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1414

Introduced 2/11/2009, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1022	from Ch. 34, par. 5-1022
60 ILCS 1/85-30	
605 ILCS 5/6-201.7	from Ch. 121, par. 6-201.7

Amends the Counties Code. Provides that in a county with fewer than 2,000,000 inhabitants that certain contracts in excess of \$50,000 (instead of \$20,000) must be let by competitive bidding. Amends the Township Code. Provides that in townships that certain contracts in excess of \$50,000 (instead of \$20,000) must be let by competitive bidding. Amends the Illinois Highway Code. Provides that certain contracts that are entered into by a highway commissioner of a road district that are in excess of \$50,000 (instead of \$20,000) must be let by competitive bidding. Effective immediately.

LRB096 03591 RLJ 13618 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning competitive bids.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 5-1022 as follows:

6 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

7 Sec. 5-1022. Competitive bids.

8 (a) Any purchase by a county with fewer than 2,000,000
9 inhabitants of services, materials, equipment or supplies in
10 excess of \$50,000 ~~\$20,000~~, other than professional services,
11 shall be contracted for in one of the following ways:

12 (1) by a contract let to the lowest responsible bidder
13 after advertising for bids in a newspaper published within
14 the county or, if no newspaper is published within the
15 county, then a newspaper having general circulation within
16 the county; or

17 (2) by a contract let without advertising for bids in
18 the case of an emergency if authorized by the county board.

19 (b) In determining the lowest responsible bidder, the
20 county board shall take into consideration the qualities of the
21 articles supplied; their conformity with the specifications;
22 their suitability to the requirements of the county,
23 availability of support services; uniqueness of the service,

1 materials, equipment, or supplies as it applies to networked,
2 integrated computer systems; compatibility to existing
3 equipment; and the delivery terms. The county board also may
4 take into consideration whether a bidder is a private
5 enterprise or a State-controlled enterprise and,
6 notwithstanding any other provision of this Section or a lower
7 bid by a State-controlled enterprise, may let a contract to the
8 lowest responsible bidder that is a private enterprise.

9 (c) This Section does not apply to contracts by a county
10 with the federal government or to purchases of used equipment,
11 purchases at auction or similar transactions which by their
12 very nature are not suitable to competitive bids, pursuant to
13 an ordinance adopted by the county board.

14 (d) Notwithstanding the provisions of this Section, a
15 county may let without advertising for bids in the case of
16 purchases and contracts, when individual orders do not exceed
17 \$25,000, for the use, purchase, delivery, movement, or
18 installation of data processing equipment, software, or
19 services and telecommunications and inter-connect equipment,
20 software, and services.

21 (e) A county may require, as a condition of any contract
22 for goods and services, that persons awarded a contract with
23 the county and all affiliates of the person collect and remit
24 Illinois Use Tax on all sales of tangible personal property
25 into the State of Illinois in accordance with the provisions of
26 the Illinois Use Tax Act regardless of whether the person or

1 affiliate is a "retailer maintaining a place of business within
2 this State" as defined in Section 2 of the Use Tax Act. For
3 purposes of this subsection (e), the term "affiliate" means any
4 entity that (1) directly, indirectly, or constructively
5 controls another entity, (2) is directly, indirectly, or
6 constructively controlled by another entity, or (3) is subject
7 to the control of a common entity. For purposes of this
8 subsection (e), an entity controls another entity if it owns,
9 directly or individually, more than 10% of the voting
10 securities of that entity. As used in this subsection (e), the
11 term "voting security" means a security that (1) confers upon
12 the holder the right to vote for the election of members of the
13 board of directors or similar governing body of the business or
14 (2) is convertible into, or entitles the holder to receive upon
15 its exercise, a security that confers such a right to vote. A
16 general partnership interest is a voting security.

17 (f) Bids submitted to, and contracts executed by, the
18 county may require a certification by the bidder or contractor
19 that the bidder or contractor is not barred from bidding for or
20 entering into a contract under this Section and that the bidder
21 or contractor acknowledges that the county may declare the
22 contract void if the certification completed pursuant to this
23 subsection (f) is false.

24 (Source: P.A. 95-331, eff. 8-21-07.)

25 Section 10. The Township Code is amended by changing

1 Section 85-30 as follows:

2 (60 ILCS 1/85-30)

3 Sec. 85-30. Purchases; bids. Any purchase by a township for
4 services, materials, equipment, or supplies in excess of
5 \$50,000 ~~\$20,000~~ (other than professional services) shall be
6 contracted for in one of the following ways:

7 (1) By a contract let to the lowest responsible bidder
8 after advertising for bids at least once (i) in a newspaper
9 published within the township, or (ii) if no newspaper is
10 published within the township, then in one published within
11 the county, or (iii) if no newspaper is published within
12 the county, then in a newspaper having general circulation
13 within the township.

14 (2) By a contract let without advertising for bids in
15 the case of an emergency if authorized by the township
16 board.

17 This Section does not apply to contracts by a township with
18 the federal government.

19 (Source: P.A. 94-435, eff. 8-2-05.)

20 Section 15. The Illinois Highway Code is amended by
21 changing Section 6-201.7 as follows:

22 (605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

23 Sec. 6-201.7. Construct, maintain and repair and be

1 responsible for the construction, maintenance and repair of
2 roads within the district, let contracts, employ labor and
3 purchase material and machinery therefor, subject to the
4 limitations provided in this Code. Contracts, labor,
5 machinery, disposal, and incidental expenses related to
6 special services under Section 6-201.21 of this Code constitute
7 maintenance, for purposes of this Section.

8 Except for professional services, when the cost of
9 construction, materials, supplies, new machinery or equipment
10 exceeds \$50,000 ~~\$20,000~~, the contract for such construction,
11 materials, supplies, machinery or equipment shall be let to the
12 lowest responsible bidder after advertising for bids at least
13 once, and at least 10 days prior to the time set for the
14 opening of such bids, in a newspaper published within the
15 township or road district, or, if no newspaper is published
16 within the township or road district then in one published
17 within the county, or, if no newspaper is published within the
18 county then in a newspaper having general circulation within
19 the township or road district, but, in case of an emergency,
20 such contract may be let without advertising for bids. For
21 purposes of this Section "new machinery or equipment" shall be
22 defined as that which has been previously untitled or that
23 which shows fewer than 200 hours on its operating clock and
24 that is accompanied by a new equipment manufacturer's warranty.
25 (Source: P.A. 93-109, eff. 7-8-03; 93-164, eff. 7-10-03;
26 93-610, eff. 11-18-03; 94-435, eff. 8-2-05.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.